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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 In re: THE GUARDIANSHIP OF
11 OMANA THANKAMMA,

CASE NO. C19-1307 MJP

ORDER ON MOTION FOR
RECONSIDERATION

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14 The above-entitled Court, having received and reviewed Respondents' Motion for
15 Reconsideration (Dkt. No. 10), all attached declarations and exhibits, and relevant portions of the
16 record, rules as follows:

17 IT IS ORDERED that the motion is DENIED.

18 **Discussion**

19 Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are
20 disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the
21 ruling, or (b) facts or legal authority which could not have been brought to the attention of the
22 court earlier, through reasonable diligence. The term "manifest error" is "an error that is plain
23 and indisputable, and that amounts to a complete disregard of the controlling law or the credible
24 evidence in the record." Black's Law Dictionary 622 (9th ed. 2009).

1 Reconsideration is an "extraordinary remedy, to be used sparingly in the interests of
2 finality and conservation of judicial resources." Kona Enters., Inc. v. Estate of Bishop, 229 F.3d
3 877, 890 (9th Cir. 2000). "[A] motion for reconsideration should not be granted, absent highly
4 unusual circumstances, unless the district court is presented with newly discovered evidence,
5 committed clear error, or if there is an intervening change in the controlling law." Marlyn
6 Natraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009). Neither
7 the Local Civil Rules nor the Federal Rule of Civil Procedure, which allow for a motion for
8 reconsideration, is intended to provide litigants with a second bite at the apple.

9 A motion for reconsideration should not be used to ask a court to rethink what the court
10 had already thought through — rightly or wrongly. Defenders of Wildlife v. Browner, 909
11 F.Supp. 1342, 1351 (D. Ariz. 1995). Mere disagreement with a previous order is an insufficient
12 basis for reconsideration, and reconsideration may not be based on evidence and legal arguments
13 that could have been presented at the time of the challenged decision. Haw. Stevedores, Inc. v.
14 HT & T Co., 363 F.Supp.2d 1253, 1269 (D. Haw. 2005). "Whether or not to grant
15 reconsideration is committed to the sound discretion of the court." Navajo Nation v.
16 Confederated Tribes & Bands of the Yakima Indian Nation, 331 F.3d 1041, 1046 (9th Cir. 2003).

17 The Court dismissed the above-entitled matter *sua sponte* for lack of subject matter
18 jurisdiction, citing the Rooker-Feldman doctrine, which prohibits federal courts (other than the
19 Supreme Court) from reviewing the decisions of state courts in civil cases. See Exxon Mobil
20 Corp. v. Saud Basic Indus. Corp., 544 U.S. 280, 283-84 (2005). See Dkt. No. 8. The
21 guardianship proceeding which Respondents attempted to "remove" to federal court arises from
22 a state court order in a civil case; this Court is without jurisdiction to invalidate or in any other
23 way revise that order.

1 Respondents strive to create federal jurisdiction by invoking international treaties and
2 federal civil rights and alleging violations of same. It is of no avail. "[A] litigant may not
3 attempt to circumvent the effect of Rooker-Feldman and seek a reversal of a state court judgment
4 simply by casting the complaint in the form of a civil rights action." Holt v. Lake County Bd. of
5 Comm'rs, 408 F.3d 335, 336 (7th Cir. 2005)(internal quotation marks and citation omitted).

6 There is no disguising the fact that this lawsuit seeks to reverse the effects of a
7 guardianship order entered by a state court. Respondents have presented neither new law nor
8 new facts that alter the Court's analysis in that regard, and thus are not entitled to reconsideration
9 of the order of dismissal.

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11 The clerk is ordered to provide copies of this order to Respondents and to all counsel.

12 Dated October _3_, 2019

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15 Marsha J. Pechman
16 United States Senior District Judge
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